

Board of Sumter County Commissioners

Division of Planning & Development

Code Compliance Department

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Website: <http://sumtercountyfl.gov/plandevlop>



SPECIAL MASTER HEARING March 26, 2009 @ 3:00 PM

Present: Special Master R. Lee Hawkins, Jr., County Attorney Shawn Brannagan, Alysia Akins - Code Secretary, Dwayne Ausley - Inspector, Lee Hartman - Chief Inspector, and Edd Kaman - Inspector.

Special Master Hawkins called the hearing to order at 3:05 PM and followed with the Pledge of Allegiance.

Attorney Brannagan reviewed and moved to enter the minutes of the Special Master Hearing from 2/26/09 into the record.

Mr. Ausley, Mr. Hartman, and Mr. Kaman were sworn in.

OLD BUSINESS:

The following cases have complied:
CE2007-0520/Munz Brothers Properties, LLC
CE2008-0461/Crawford

The following cases have complied with costs/fines due:
CE2008-0063/Varnado
CE2008-0128/Shurtleff
CE2008-0322/Wiley
CE2008-0450/Bussey

The following cases have **not** complied:
CE2007-0412/Wallbrown
CE2008-0078/Perez
CE2008-0445/Gunn

The following case was tabled at the previous hearing:

- 1) Case #: CE2008-0158
Name: Brian Sweney
Address: 592 CR 487, Lake Panasoffkee
Violation: 13-51(A)(2)(A)
Inspector: Dwayne Ausley
Recommendation: **PRE-HEARING COMPLIANCE**

NEW BUSINESS:

The following cases received Affidavits of Pre-Hearing Compliance:
CE2008-0070/Coverson A & G Holdings, LLC
CE2008-0526/Lake

- 1) Case #: CE2009-0020
Name: Cedar Acres, Inc.
Address: 8030 CR 109, Lady Lake
Violation: 21-1(A)
Inspector: Lee Hartman
Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 1/20/09. The property does not have homestead exemption. Mr. Hartman's last visit to the property was on 3/26/09, and the property was not in compliance. Mr. Hartman submitted photos of the violations taken on 3/26/09 into the record. Mr. Hartman testified there has been no response from the Respondent.

Mr. Hartman recommended the Respondent bring the property into compliance by removing the trash and debris and paying staff costs of \$281.06 immediately. If not, a \$25 daily fine be ordered until the property is found in compliance and costs are paid.

Special Master Hawkins found the property in violation due to the trash and debris on the property based on staff testimony and the photos submitted. The Respondent was ordered to bring the property into compliance by removing the trash and debris within 24 hours upon receipt of the Order and paying costs in the amount of \$281.06. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

- 2) Case #: CE2008-0060
Name: Sheryl Maddox
Address: 3729 E. C-48, Center Hill
Violation: 6-104(2), 6-104(5), and 13-E.3.1.2 SHC 307.4
Inspector: Edd Kaman
Recommendation: **HEAR CASE**

The Respondent was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 3/18/08. The property has homestead exemption. Mr. Kaman submitted photographs of the violations dated 3/26/09 into the record. Mr. Kaman's last visit to the property was on 3/26/09, and the property was not in compliance. Mr. Kaman testified he has been in contact with Ms. Maddox regarding the code violations.

Ms. Maddox testified she has had problems removing the trash due to health and transportation issues.

Mr. Kaman recommended the Respondent bring the property into compliance by removing all trash and debris, mowing and maintaining the property, and paying costs in the amount of \$281.06 immediately. If not, a \$25 daily fine be assessed until compliance is met and costs are paid.

Special Master Hawkins found the property in violation due to the trash and debris and unkempt property. Costs in the amount of \$281.06 were ordered to be paid and the property be brought into compliance within 1 week of receipt of the Order. If not, a \$25 daily fine will be in effect until the property is found in compliance and costs are paid.

- 3) Case #: CE2008-0392
Name: Elaine Coulson
Address: 9190 CR 647D, Bushnell
Violation: 6-104(3), 6-104(5), 13-E.3.1.2 SHC 305.15
Inspector: Edd Kaman
Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 9/12/08. The property does not have homestead exemption. Mr. Kaman's last visit to the property was on 3/26/09, and the property was not in compliance. Mr. Kaman submitted photos of the violations taken on 3/26/09 into the record.

Mr. Kaman recommended the Respondent bring the property into compliance by removing or securing the unsafe structures, mowing and maintaining the property, and paying staff costs of \$281.06. If not, a \$25 daily fine be ordered until the property is found in compliance and costs are paid.

Special Master Hawkins found the property in violation due to the unsafe structures and unkempt property. The Respondent was ordered to bring the property into compliance by removing or securing the unsafe structures, mowing and maintaining the property, and paying costs in the amount of \$281.06 within 24 hours of the receipt of the Order. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

- 4) Case #: CE2007-0568
Name: Luis and Zolia Acosta
Address: 1423 CR 650, Bushnell
Violation: 13-E.3.1.2 SHC 309.1 & 13-E.3.1.2 SHC 307.4
Inspector: Dwayne Ausley
Recommendation: **HEAR CASE**

The Respondents were not present; however, the attorney and mortgage company involved with this property were all notified as required. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 10/26/07. The property does not have homestead exemption. Mr. Ausley's last visit to the property was on 3/26/09, and the property was not in compliance. Mr. Ausley submitted photos of the violations taken on 3/26/09 into the record. Mr. Ausley testified

the property has been mowed and the trash has been removed one time during the course of the code case; however, the property remains in violation and the unsafe structure is boarded up with plywood that has been spray-painted with "No Trespassing". Mr. Ausley also testified Gary Rusu, Chief Inspector, and Mrs. Akins have spoken with the Acostas and their attorney regarding the condition of the property. Mr. Rusu issued numerous extensions to allow the Acostas sufficient time to bring the property into compliance.

Mr. Ausley recommended the Respondents bring the property into compliance by removing or securing the unsafe structure, removing all debris, and paying staff costs of \$747.02. If not, a \$50 daily fine be ordered until the property is found in compliance and costs are paid.

Special Master Hawkins found the property in violation due to the unsafe structures and debris. The Respondents were ordered to bring the property into compliance by removing or securing the unsafe structures, removing all debris, and paying costs in the amount of \$747.02 within 24 hours of receipt of the Order. If not, a \$50 daily fine will be assessed until the property is found in compliance and costs are paid.

5) Case #: CE2008-0240

Name: Yvonne & Raghunath Bidiyanath

Address: 1765 CR 753, Webster

Violation: 6-104(2), 6-104(3), 6-104(5), 13-51(A)(2)(B)

Inspector: Dwayne Ausley

Recommendation: **HEAR CASE**

The Respondents' son and daughter-in-law, Leon and Annalisa Bidiyanath, were present and sworn in. The Respondents were sent a Notice of Hearing via certified mail regarding the code case that began on 6/23/08. The property does not have homestead exemption. Mr. Ausley's last visit to the property was on 3/26/09, and the property was not in compliance. Mr. Ausley submitted photos of the violations taken on 3/26/09 into the record. Mr. Ausley testified the trash and debris have been removed and the property has been mowed.

Mr. Ausley recommended the Respondents bring the property into compliance within 2 weeks by permitting and repairing or removing the mobile home and paying staff costs of \$326.06. If not, a \$25 daily fine be ordered until the property is found in compliance and staff costs are paid.

Mrs. Bidiyanath testified the mobile home was given to an acquaintance via contract and is no longer titled in their name; however, it was stripped and left on the property. Mrs. Bidiyanath testified they have tried notifying the acquaintance by certified mail to remove the mobile home from the property, but the mail was returned. Mrs. Bidiyanath testified she is aware the mobile home requires permits to remain on the property, but they would like it to be removed. Mrs. Bidiyanath testified the acquaintance removed most of the trash and debris and mowed the property. Mrs. Bidiyanath was advised to seek legal counsel to resolve the issue regarding the ownership of the mobile home and available options for removal.

Special Master Hawkins found the property in violation due to the unsafe mobile home remaining on the property without the required permits. The Respondents were ordered to bring the property into compliance by permitting and repairing or removing the mobile home and paying costs in the amount of \$326.06 within 2 weeks of receipt of the Order. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

6) Case #: CE2008-0422

Name: Lloyd L. Sherwood, Trustee
Address: 4305 CR 508, Wildwood
Violation: 13-363(b)(3)(b)
Inspector: Dwayne Ausley
Recommendation: **HEAR CASE**

The Respondent's wife, Shirley J. Sherwood, was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail regarding the code case that began on 10/7/08. The property has homestead exemption. Mr. Ausley's last visit to the property was on 3/26/09, and the property was not in compliance. Mr. Ausley submitted photos of the violations taken on 3/26/09 into the record. Mr. Ausley testified he spoke with Mrs. Sherwood regarding the required doctor's letter to apply for renewal of the Temporary Use Permit (TUP). Mr. Ausley testified the previous TUP was issued in regards to Mr. Sherwood, who is now deceased. The TUP application process and submittal deadlines were discussed.

Mr. Ausley recommended the Respondent bring the property into compliance by May 28, 2009 by obtaining the required TUP or cease all residential use of the travel trailer and paying staff costs of \$326.06.

Mrs. Sherwood testified she requires daily care, which is currently being provided by a friend who resides in the travel trailer, provides her with transportation, and assists with routine errands. Mrs. Sherwood testified her husband passed away in November 2005. Mrs. Sherwood discussed the original TUP and stated she thought it was still valid. Mrs. Sherwood was informed of the TUP approval process.

Special Master Hawkins found the property in violation due to the travel trailer being resided in without a current TUP. The Respondent was ordered to bring the property into compliance by May 28, 2009 by renewing the TUP or ceasing all residential use of the travel trailer. If not, costs in the amount of \$326.06 must be paid along with a \$25 daily fine, which will be assessed until the property is found in compliance and costs are paid.

There was no other business to discuss; therefore, Special Master Hawkins adjourned at approximately 3:50 PM.